

TERRY GODDARD
Attorney General
Firm Bar No. 14000
THEODORE CAMPAGNOLO
State Bar No. 017167
Assistant Attorney General
1275 West Washington Street
Phoenix, Arizona 85007-2926
Telephone 602-542-3881
Facsimile: 602-542-5997
crmfraud@azag.gov
Attorneys for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA,

Plaintiff,

v.

DAVID HOWARD BARNES (001),

JEFFREY MICHAEL PATAKY (002),

Defendants.

Case No:

66 SGJ 3

INDICTMENT

CHARGING VIOLATIONS OF:

COUNT 1: PERJURY, a Class 4 Felony, in violation of A.R.S. § 13-2702 (Defendant 001)

COUNT 2: PERJURY, a Class 4 Felony, in violation of A.R.S. § 13-2702 (Defendant 002)

COUNT 3: FALSE SWEARING, a Class 6 Felony, in violation of A.R.S. § 13-2703 (Defendant 002)

COUNT 4: HARASSMENT, a Class 1 Misdemeanor, in violation of A.R.S. 13-2921 (Defendant 001)

COUNT 5: HARASSMENT, a Class 1 Misdemeanor, in violation of A.R.S. 13-2921 (Defendant 001)

The Arizona State Grand Jury accuses **DAVID HOWARD BARNES and JEFFREY MICHAEL PATAKY**, charging on this 12th day of January 2010, that in or from Maricopa County, Arizona:

COUNT 1

(PERJURY)

On or about March 31, 2009, **DAVID HOWARD BARNES** made a false sworn statement in regard to a material issue, believing it to be false, in violation of A.R.S. §§ 13-2702, 13-2701, 13-701, 13-702, 13-702.01, 13-703 and 13-801. Said conduct occurred during sworn testimony on March 31, 2009 in the case of *In Re: The Matter of Julia Cioppa and Jeffrey Pataky*, FC 2006-006523, when the defendant **DAVID HOWARD BARNES** testified that: the defendant **DAVID HOWARD BARNES** did not personally know the defendant **JEFFREY PATAKY** prior to November 15, 2008; and that the defendant **DAVID HOWARD BARNES** did not have a personal relationship with the defendant **JEFFREY PATAKY** prior to November 15, 2008.

COUNT 2

(PERJURY)

On or about March 31, 2009, **JEFFREY PATAKY** made a false sworn statement in regard to a material issue, believing it to be false, in violation of A.R.S. §§ 13-2702, 13-2701, 13-701, 13-702, 13-702.01, 13-703 and 13-801. Said conduct occurred during sworn testimony on March 31, 2009 in the case of *In Re: The Matter of Julia Cioppa and Jeffrey Pataky*, FC 2006-006523, when the defendant **JEFFREY PATAKY** testified that: the defendant **JEFFREY PATAKY** did not know the defendant **DAVID HOWARD BARNES** prior to November 15, 2008; the defendant **JEFFREY PATAKY** did not ever have an interaction with the defendant **DAVID HOWARD BARNES** prior to November 15, 2008; the defendant **JEFFREY PATAKY** never had any communication with the defendant **DAVID HOWARD**

BARNES prior to November 15, 2008; and the defendant **JEFFREY PATAKY**'s first contact with the defendant **DAVID HOWARD BARNES** was in November 2008.

COUNT 3

(FALSE SWEARING)

On or about August 12, 2009, **JEFFREY PATAKY** made a false sworn statement, believing it to be false, in violation of A.R.S. §§ 13-2703, 13-2701, 13-701, 13-702, 13-702.01, 13-703 and 13-801. Said conduct occurred during sworn testimony on August 12, 2009 in the case of *In Re: The Matter of Julia Cioppa and Jeffrey Pataky*, FC 2006-006523, regarding the defendant **JEFFREY PATAKY**'s denial of ownership or management of an internet website.

COUNT 4

(HARASSMENT)

On or between September 1, 2007 and May 12, 2009, **DAVID HOWARD BARNES**, with the intent to harass, repeatedly committed an act or acts that harassed Heather Polombo and Mike Polombo, in violation of A.R.S. §§ 13-2921, 13-707 and 13-802.

COUNT 5

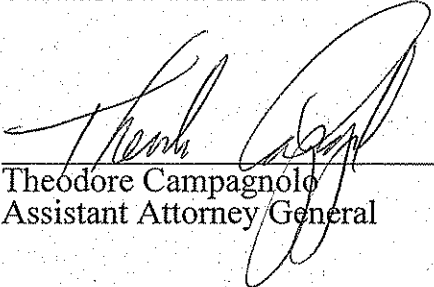
(HARASSMENT)

On or between September 1, 2007 and May 12, 2009, **DAVID HOWARD BARNES**, with the intent to harass, anonymously or otherwise contacted, communicated or caused a communication with another person or persons by verbal, electronic, mechanical, telegraphic, telephonic or written means in a manner that harassed Heather Polombo and Mike Polombo, in violation of A.R.S. §§ 13-2921, 13-707 and 13-802.

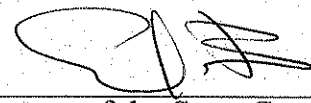
Pursuant to A.R.S. § 21-425, the State Grand Jurors find that the offenses described above were committed in Maricopa County, Arizona.

A True Bill
(A "True Bill")

TERRY GODDARD
ATTORNEY GENERAL
STATE OF ARIZONA


Theodore Campagnolo
Assistant Attorney General

Dated: 1/12/2010


Foreperson of the State Grand Jury